

Office Action Summary	Application No.	Applicant(s)
	09/689,807	WATANABE ET AL.
	Examiner	Art Unit
	Alvin J Grant	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on communications received 17 March 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 13-16 and 25-28 is/are allowed.
- 6) Claim(s) 9-12 and 17-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Acknowledgement is made of claim rejections (9-28) under Double Patenting and receipt of Terminal Disclaimer in response thereto.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 9-12 and 17-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Minuzo et al. '569.

Minuzo et al. discloses a lens shape data processing apparatus comprising: a lens shape data measuring unit configured to measure a plurality of lens shape data of a spectacle frame (Abstract); and a memory configured to store data measured by the lens shape data measuring unit; a processing unit configured to read a plurality of the lens shape data (column 8, line 21) stored in the memory and to adjust the lens shape data; a storage means for storing data measured by the lens shape data measuring means (column 8, line 30); means for adjusting the lens shape data (column 12, lines 20 and 21); a keyboard unit (11) configured to input a plurality of lens shape data for spectacle frames, a lens edge surface shape measuring unit configured to measure the lens edge surface shape of an unprocessed spectacle lens based on the lens shape data input for the spectacle frames, a machining unit configured to grind the lens edge surface shape of the unprocessed spectacle lens based on the lens shape according to a result of measurement by the lens edge surface shape measuring unit, and a processing unit configured to select one of a plurality of lens shape data and to set and adjust machining conditions for the unprocessed

spectacle lens based on the selected lens shape data during at least one of an operation of the lens edge surface shape measuring unit and an operation of the machining unit during at least one of an operation of the lens edge surface shape measuring means and an operation of the machining means.

3. **Claims 9-12 and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Shibata '432.**

Shibata discloses a lens shape data processing apparatus comprising: a lens shape data measuring unit configured to measure a plurality of lens shape data of a spectacle frame (Abstract); and a memory configured to store data measured by the lens shape data measuring unit; an arithmetic processing unit configured to read a plurality of the lens shape data (100) stored in the memory and to adjust the lens shape data; a storage means for storing data measured by the lens shape data measuring means (101 and 201); means for adjusting the lens shape data (column 6, line 65); a keyboard unit (Fig. 5) configured to input a plurality of lens shape data for spectacle frames, a lens edge surface shape measuring unit configured to measure the lens edge surface shape of an unprocessed spectacle lens based on the lens shape data input for the spectacle frames, a machining unit configured to grind the lens edge surface shape of the unprocessed spectacle lens based on the lens shape according to a result of measurement by the lens edge surface shape measuring unit, and a processing unit configured to select one of a plurality of lens shape data and to set and adjust machining conditions for the unprocessed spectacle lens based on the selected lens shape data during at least one of an operation of the lens edge surface shape measuring unit and an operation of the machining unit during at least one of an operation of the lens edge surface shape measuring means and an operation of the machining means.

Allowable Subject Matter

4. **Claims 13-16 and 25-28 are allowed.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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LEE D. WILSON
PRIMARY EXAMINER